ORIGINAL

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

VILLAGE OF ELWOOD, Will County, Illinois, Petitioner, VS. Docket No. T03-0036 Supp. UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation and STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION, Respondents. Petition for an Order of the Illinois Commerce Commission Authorizing the improvement of the existing grade crossing Illinois Commerce Commission On Mississippi Avenue with the track of the Union Pacific RAIL SAFETY SECTION Railroad Company, in the Village of Elwood, Will County, Illinois, directing thereon the installation of automatic Protection devices and reconstruction of the crossing proper and dividing the cost among the parties, herewith

DEPARTMENT'S ANSWER TO VILLAGE OF ELWOOD'S PETITION FOR SUPPLEMENTAL ORDER

NOW COMES Petitioner, State of Illinois, Illinois Department of Transportation ("Department") by and through its attorney, Lisa M. Madigan, Attorney General of the State of Illinois, and Thomas M. Benson, Special Assistant Attorney General, hereby answers the Village of Elwood's ("Village") Petition for Supplemental Order as follows:

- 1. Admit.
- 2. Admit.
- 3. Admit.
- 4. The Department lacks sufficient knowledge to either Admit or Deny.
- 5. The Department lacks sufficient knowledge to either Admit or Deny.
- 6. Admit.
- 7. The Department lacks sufficient knowledge to either Admit or Deny.

WHEREFORE, the Department has no objection to the relief requested by the Village and is willing to waive its right to a hearing in this matter. The Department supports the Village's request to extend the completion date of this project as necessary to complete the project.

DOCKETED

Respectfully submitted,

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: LISA MADIGAN Attorney General

Special Assistant Attorney General

Dated: March 23, 2006

Illinois Department of Transportation 2300 South Dirksen Parkway, Room 311

Springfield, IL 62764

Telephone (217) 782-0696 Fax: (217) 524-0823

e-mail: BensonTM@dot.il.gov

Verification

I, THOMAS M. BENSON, first being duly sworn, say that I have read the above ANSWER TO VILLAGE OF ELWOOD'S PETITION FOR SUPPLEMENTAL ORDER and know what it says. The contents of the ANSWER are true to the best of my knowledge.

Thomas M. Benson

Special Assistant Attorney General

Subscribed and sworn/affirmed to before me this 23RD day of March 2006.

"OFFICIAL SEAL" Lisa A. Brown

Notary Public, State of Illinois My Commission Exp. 03/05/2010

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

VILLAGE OF ELWOOD, Will County, Illinois,) \
Petitioner,	ĺ
vs.))) Docket No. T03-0036 Supp.
UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation and STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION,)))
Respondents.)
Petition for an Order of the Illinois Commerce Commission Authorizing the improvement of the existing grade crossing On Mississippi Avenue with the track of the Union Pacific Railroad Company, in the Village of Elwood, Will County, Illinois, directing thereon the installation of automatic Protection devices and reconstruction of the crossing proper and dividing the cost among the parties, herewith)) () () () () () () () () ()

CERTIFICATE OF SERVICE

I, THOMAS M. BENSON, an attorney, certify that I served a true and correct copy of the foregoing ANSWER TO VILLAGE OF ELWOOD'S PETITION FOR SUPPLEMENTAL ORDER upon the parties to this proceeding via first class mail, postage prepaid, and depositing the same in the United States Mail, Springfield, Illinois or alternatively by electronic means as provided for in Section 200.1050, this 23RD day of March 2006 addressed as follows:

Via Electronic Mail to:

Edward P. Graham Attorney 1112 S. Washington, Ste. 212 Naperville, IL 60540 E-Mail: epgraham@graham-law.com

Mack H. Shumate Jr. Union Pacific Railroad Company 101 N. Wacker Drive, Suite 1920 Chicago, IL 60606 E-Mail: mackhshumate@up.com

Subscribed and sworn/affirmed to before me this 23RD day of March, 2006.

Notary Public, Illinois

Via United States Mail to:

Robert T. Blum Village President Village of Elwood P.O. Box 435 Elwood, IL 60421

Thomas M. Benson

Special Assistant Attorney General 2300 S. Dirksen Pkwy, Room 311 Springfield, Illinois 62764

(217) 782-0692 (217) 524-0198 (fax)

BensonTM@dot.il.gov Counsel for the Illinois

Department of Transportation

"OFFICIAL SEAL" Lisa A. Brown Notary Public, State of Illinois My Commission Exp. 03/05/2010

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION

VILLAGE OF ELWOOD, Will County, Illinois,)
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vs.))) Docket No. T03-0036 Supp.
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NOTICE OF FILING

TO ALL PARTIES OF RECORD:

PLEASE TAKE NOTICE that we have this 23RD day of March 2006 filed the attached ANSWER TO VILLAGE OF ELWOOD'S PETITION FOR SUPPLEMENTAL ORDER in the above entitled matter with the Illinois Commerce Commission electronically using the e-Docket system. In addition, a copy of the aforementioned Petition has been sent to all parties of record via first class mail or electronically as provided for in Section 200.1050 of the Commission's rules.

Special Assistant Attorney General 2300 S. Dirksen Pkwy, Room 311

Springfield, Illinois 62764

(217) 782-0692

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BensonTM@dot.il.gov

Counsel for the Illinois

Department of Transportation